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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Cok et al.	:	
Application No. 10/084,119	:	DECISION
Filed: October 7, 2002	:	ON PETITION
Title of Invention:	:	
IMAGE DISPLAY SYSTEM WITH BODY	:	
POSITION COMPENSATION	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), and in the Alternative to Withdraw the Holding of Abandonment in View of Certificate of Mailing Practice Under 37 CFR 1.8, filed December 20, 2004. The delay in treating this petition is regretted¹.

The petition is **granted.**

Background

The above-identified application became abandoned for failure to timely and properly reply to the Ex parte Quayle action Office communication, mailed August 22, 2003. The Office communication set a two (2) month period for reply. No response having been filed, this application became abandoned on October 22, 2003. A Notice of Abandonment was mailed June 8, 2004.

Applicant files the instant petition and asserts that a timely response in the form of an Amendment was filed on October 9, 2003 (Certificate of Mailing dated October 7, 2003). In support of this assertion, Applicant provides a copy of the Amendment that includes a Certificate of Mailing dated October 7, 2003. In further support, applicant provides a copy of a return-

¹ A review of the Application file reveals that Applicant filed a Request for Reconsideration and Withdrawal of Holding of Abandonment in View of Certificate of Mailing Practice Under 37 CFR 1.8 on June 14, 2004. The apparent petition was inadvertently entered in Office records as a letter and apparently not acted upon.

receipt postcard that contains a USPTO date-stamp dated October 9, 2003, which acknowledges receipt by this Office of an Amendment on October 9, 2003.

In view of the above, the petition to withdraw the holding of abandonment is improper and the holding of abandonment is hereby withdrawn.

A refund of the petition fee, \$1500.00, has been credited to deposit account 05-0225, as authorized in the Petition.

The application file is being referred to Technology Center Art Unit 2851 for processing of the Amendment, filed October 7, 2003, and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods

Petitions Attorney
Office of Petitions